

## Article 9: Construction Permits

### Division 2: Building Permit Procedures

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §129.0201 Purpose of Building Permit Procedures

The purpose of these procedures is to establish the process for review of Building Permit applications for compliance with the minimum standards necessary to safeguard life or limb, public health, property, and welfare. The intent of these procedures is to review the proposed design, construction methods, and type and quality of materials used for new construction or for construction involving existing *structures*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §129.0202 When a Building Permit Is Required

- (a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a Building Permit has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.
- (b) Separate Building Permits are not required for a dwelling and associated *accessory structures* located on the same property and described in the Building Permit application, plot plan, and other drawings.
- (c) The placement of factory-built housing, meaning one or more factory-assembled components comprising a single *structure* suitable for human occupancy that is brought to the job site for connection to a foundation, requires a Building Permit in accordance with this division.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*

**[Editors Note:** Amendments as adopted by O-20261 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language

[http://docs.sandiego.gov/municode\\_strikeout\\_ord/O-20261-SO.pdf](http://docs.sandiego.gov/municode_strikeout_ord/O-20261-SO.pdf) ]

**§129.0203 Exemptions from a Building Permit**

- (a) A Building Permit is not required for the following *structures* and activities.
- (1) One-story detached accessory buildings used as tool and storage sheds, playhouses, or similar uses provided the projected roof area is 120 square feet or less.
  - (2) *Fences* that are 6 feet in height or less.
  - (3) Oil derricks.
  - (4) Partitions that are 72 inches high or less, cases and counters.
  - (5) *Retaining walls* that are 3 feet in height or less, measured from the top of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.
  - (6) Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
  - (7) Platforms, walks, and driveways that are 30 inches or less above *grade* and not over any *basement* or *story*.
  - (8) Painting, papering, and similar finish work.
  - (9) Temporary motion picture, television, and theater stage sets and scenery.
  - (10) Window *awnings* supported by an exterior wall of Group R, Division 3, and Group M Occupancies when they do not project more than 54 inches.
  - (11) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent *grade* and the capacity does not exceed 5,000 gallons.
  - (12) Patio cover *structures* attached to or detached from *single dwelling units* in the RE, RS, and RX zones in the following circumstances, except in the *appealable area* of the Coastal Overlay Zone or in Planned Developments:
    - (A) The patio cover *structure* has 300 square feet or less of projected roof area.
    - (B) The patio cover *structure* does not encroach into any *yard*.

- (C) The patio cover *structure* is 12 feet or less above *grade*.
- (13) Antennas supported on the roof.
- (14) *Awnings* projecting horizontally out to 6 feet or less and attached to the exterior walls of buildings of Group R, Division 3 or Group U, Division 1 Occupancies.
- (15) Electrolier standards, flag poles, and antennas that are 30 feet or less in height above finish *grade* when fully extended.
- (16) Exterior walking decks that are supported on *grade* and extend 30 inches or less above *grade* and are accessory to buildings of Group R, Division 3 (dwellings) and Group U, Division 1 (residential *accessory structures*) Occupancies.
- (17) Renewal of roof coverings on any building permitted by the California Building Code and the California Residential Code, where the existing roof structure, including roof diaphragm, is not altered.
- (18) Repairs that involve only the replacement of components or existing work with similar materials for the purpose of maintenance, that do not have an aggregate valuation of over \$1,000.00, and that do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment. The following repairs are exempt from permit requirements without limit to valuation:
- (A) Painting and decorating;
- (B) Installation of floor covering;
- (C) Cabinet work; and
- (D) Outside paving.
- (19) Structures placed in public streets, alleys and sidewalks, except those regulated by Chapter 32 of the California Building Code.
- (20) Work done by employees of the City on City-owned or leased buildings.
- (21) A temporary shed, office or storage building and other *structure* incidental to and for work authorized by a valid Grading or Building Permit. Such *structures* must be removed upon expiration of the permit or completion of work covered by the Grading or Building Permit.

- (22) Installing replacement windows in existing window openings where all of the following conditions apply:
  - (A) The windows are replaced in detached one and two-family dwellings or townhouses as defined in the California Residential Code.
  - (B) The proposed window replacement shall not require any modifications to the weather resistive exterior wall envelope protecting the structure or the interior of the structure.
  - (C) The existing windows to be replaced are not required to be fire resistive.
  - (D) The proposed work shall not require modifications to the existing rough openings.
- (23) New permanent parking and vehicular use areas for less than four vehicles, including access to the spaces, but excluding parking for *single dwelling unit* uses on a single lot in Residential-Single Unit Zones.
- (24) Specific *structures* as determined by the Building Official for a particular and justifiable reason.
- (25) A sidewalk cafe that is in compliance with Section 141.0621, unless any one of the following applies:
  - (A) The sidewalk cafe would alter or modify the existing building, building façade, or any means of building egress;
  - (B) The sidewalk cafe would be located on a raised platform or in a sunken area; or
  - (C) A barrier consisting of railings, *fences*, or planter boxes would be installed to delineate the area of the sidewalk cafe.
- (b) The exemptions in Section 129.0203(a) are not exemptions from the electrical, plumbing, and mechanical permit requirements. Unless the proposed work is exempt under another section of the Land Development Code, separate electrical, plumbing, and mechanical permits may be required.
- (c) The exemptions in Section 129.0203(a) do not apply to alterations, repairs, or improvements of *historical resources* as described in Section 143.0220.

- (d) The exemptions in Section 129.0203(a) do not apply to proposed *development* on a *premises* containing *environmentally sensitive lands* that requires a *development permit* in accordance with Section 143.0110.
- (e) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

(Amended 9-24-2002 by O-19102 N.S.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

**[Editors Note:** Amendments as adopted by O-20261 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as Local Coastal Program Amendment.

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#### **§129.0204 How to Apply for a Building Permit**

- (a) An application for a Building Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.
- (b) Every application shall include the following information:
  - (1) A description of the work for which the application is submitted;
  - (2) A legal description and a *street* address or similar description that will definitively locate the proposed building or work;
  - (3) An indication of the proposed use or occupancy;
  - (4) The valuation for any addition, improvement, or alteration to an existing *structure* or the valuation of any new *structure* proposed.
- (c) Submittal documents including plans, specifications, diagrams and computations, inspection requirements, and other data may be required. The submittal documents for an application shall be in accordance with the requirements of the Land Development Manual.

- (d) Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will comply with the provisions of the Building Regulations and all applicable laws, ordinances, rules, and regulations.
- (e) An application for permanent relocation of a *structure* on a new site shall include a request for a pre-relocation examination, unless the *structure* is to be placed at a storage site that is an approved use as a storage site in accordance with the Land Development Code.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§129.0205 Deferred Submittals of Required Building Permit Application Materials**

Before issuing a Building Permit, the Building Official may allow deferral of submittal documents relating to a specific portion of the design. The Building Official shall specify a maximum time period for submittal of the deferred documents. The Building Permit for the non-deferred portions may be issued and construction may start on the non-deferred portions of the work, before the deferred submittals are submitted. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§129.0206 Who May Prepare Plans for Building Permits**

If plans or other material submitted are not prepared by an architect or engineer licensed by the State of California, the Building Official may require the *applicant* to demonstrate that state law does not require the material to be prepared by a licensed architect or engineer. The Building Official may require plans, computations, and specifications to be prepared by an architect or engineer licensed by the State of California, in circumstances where preparation by a licensed professional is not required by state law.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0207 Preparation of Plans, Reports, Calculations and other Documents by Licensed and Registered Design Professionals**

- (a) When the preparation of plans, reports, calculations and other documents by a registered design professional is required by state law, or the Building Official, they shall be prepared by an architect licensed by the State of California or an engineer registered by the State of California in the relevant discipline of engineering.
- (b) The architect or engineer of record shall be designated on the plans in the manner required by state law.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Retitled to "Preparation of Plans, Reports, Calculations and other Documents by Licensed and Registered Design Professionals" and amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0208 Coordination Responsibilities of Architect or Engineer of Record**

- (a) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents, including documents for partial building permits and deferred submittal items, prepared by others for compatibility with the design of the building.
- (b) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued or an extension of time is approved in accordance with Section 129.0219. All Electrical, Plumbing/Mechanical, Public Right-of-Way, and Grading Permits associated with a Building Permit shall expire concurrently with the Building Permit.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0209 Change of Architect or Engineer of Record**

If the circumstances require and in accordance with state law, the *applicant* or *permit holder* may designate a substitute architect or engineer of record licensed by the State of California who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the *applicant* or *permit holder* if the architect or engineer of record is changed or is unable to continue to perform the duties.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0210 Plan Review Procedures**

The application, plans, specifications, and other data filed by an *applicant* for a Building Permit shall be reviewed by the Building Official. The plans may be reviewed by other departments of the City to verify compliance with any other applicable provisions of the Municipal Code.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0211 Closing of Building Permit Application**

- (a) If one year has elapsed since the date a Building Permit application is deemed complete and the *applicant* has not requested that a Building Permit be issued, the application file shall be closed. Plans and other data submitted for review may be returned to the *applicant* or destroyed by the Building Official. To reapply, the *applicant* shall submit a new Building Permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is filed.
- (b) The application file for City projects shall be closed after two years have elapsed since the date the Building Permit application is deemed complete.
- (c) The Building Official may extend a Building Permit application, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the *applicant* prevented issuance of the Building Permit.
- (d) If a request to extend the closing date of a Building Permit application has been filed in accordance with this section, the existing Building Permit application shall be automatically extended until the Building Official has made a decision on the request for an extension.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*



**§129.0212 Decision Process for a Building Permit**

A decision on an application for a Building Permit shall be made by the Building Official in accordance with Process One. The Building Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data comply with the requirements of the Building Regulations, other applicable laws and ordinances, and any applicable *development permit*.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0213 Issuance of a Building Permit**

- (a) The Building Permit may be issued after all approvals have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before the permit is issued, in conformance with the requirements of the Land Development Code or the laws or requirements of other applicable local, state, or federal jurisdictions.
- (b) A Building Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.
- (c) Any security required by the Land Development Code for relocation of a *structure* shall be deposited with the City before the Building Permit is issued.
- (d) If a pre-relocation examination finds that a residential *structure* is substandard, no Building Permit shall be issued until the plans are revised to include additional work that will eliminate the substandard condition.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0214 Requirements for Approved Plans**

- (a) Plans and specifications that are approved as part of the application for a Building Permit shall be signed and stamped “APPROVED” by the Building Official and shall be filed as an attachment to the Building Permit. Approved plans and specifications shall not be changed, modified, or altered without authorization of the Building Official.
- (b) Except as required by Sections 19850 and 19851 of the Health and Safety Code, the Building Official shall retain one set of approved plans, specification and computations for the life of the building for which a Building Permit has been issued. Copies shall be retained as a part of the permanent files of the Development Services Department.

*(Amended 9-24-2002 by O-19102 N.S.)*

*(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0215 Issuance of a Building Permit for a Part of a Structure**

The Building Official may issue a permit, and work may begin, for the construction of part of a *structure* before the plans and specifications for the entire *structure* have been submitted or approved, if adequate information and detailed statements have been submitted complying with all applicable requirements of the Building Code. As a condition of issuance, the *permit holder* shall agree that he or she proceeds at his or her own risk without assurance that the Building Permit for the entire *structure* will be issued. The partial construction shall comply with the Building Regulations and any other regulation in effect on the date the complete permit application for the scope of work under the partial permit is submitted to, and is accepted by, the Building Official.

*(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0216 Initial Utilization of a Building Permit**

A Building Permit shall become void if substantial work authorized by the permit has not been completed and validated by an inspection within 180 calendar days of the date of permit issuance unless an extension has been granted pursuant to Section 129.0219.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0217 Maintaining Utilization of a Building Permit**

A Building Permit shall become void if, after initial utilization of a permit pursuant to Section 129.0216, work authorized by the permit is suspended or the *structure* is abandoned for a period of 180 calendar days, unless an extension has been granted per Section 129.0219.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0218 Expiration of a Building Permit**

- (a) A Building Permit for detached one-and two-family dwellings or townhouses, as defined in the California Residential Code, and their *accessory structures*, and for the relocation of *structures* shall expire two years after the date of permit issuance. A Building Permit for all other projects shall expire four years after the date of permit issuance.
- (b) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued. All Electrical, Plumbing, or Mechanical Permits associated with a Building Permit shall expire concurrently with the Building Permit.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

**§129.0219 Extension of Time for the Utilization of a Building Permit**

- (a) Except for relocation of *structures*, a *permit holder* may submit to the Building Official an application for an extension of time to utilize the Building Permit. The application shall be filed no later than one month in advance of the end of the 180 day utilization period. The Building Official may extend the time in which the *permit holder* may utilize the Building Permit one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the *permit holder* prevented completion of the work. All Electrical, Plumbing, or Mechanical Permits associated with a Building Permit shall be extended concurrently with the utilization period of the Building Permit.
- (b) If an application for an extension of time has been filed for the utilization of a Building Permit in accordance with Section 129.0219(a), the existing Building Permit shall automatically be extended until the Building Official has made a decision on the application for an extension of the utilization period.
- (c) If the Building Permit has expired before an application is submitted for an extension of time for the utilization of a Building Permit, no extension shall be granted. If the previous *permit holder* or any other *applicant* wants to proceed with the same *development*, a new application is required and the application is treated in all respects as a new application.

- (d) If an extension of time for the utilization of a Building Permit has been previously approved in accordance with Section 129.0219(a), the Building Official may extend the time for the utilization of the Building Permit one additional time, for a period not exceeding 180 calendar days, if the Building Official finds the following:
  - (1) There has not been a significant change in the regulations applicable to the site since the date the permit was issued;
  - (2) The additional extension is in the public interest; and
  - (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.
- (e) If no extension is granted, and the Building Permit has become void pursuant to Section 129.0217, the property owner, *permit holder* or *applicant* shall, within 90 calendar days from the date of a written notice from the City, obtain a new Building Permit to complete the work and diligently pursue the work to completion, or remove or demolish the building or *structure* within 180 calendar days from the date of the written notice. A violation of Section 129.0219 may be prosecuted administratively or judicially pursuant to San Diego Municipal Code Section 121.0311. This Section in no way limits any separate enforcement authority of the City under California Health and Safety Code Section 17980.9 to impose stricter rehabilitation time frames for vacant single family dwellings.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)

(Retitled to "Extension of Time for the Utilization of a Building Permit" and amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

## **129.0220 Issuance of a Building Permit for Relocation of a Structure**

- (a) Before the Building Official issues a Building Permit for relocation of a *structure*, a surety bond issued by a surety company authorized to do business in the State of California or other form of security approved by the Building Official, shall be deposited with the City of San Diego, except that no security shall be required from the State of California, its political subdivisions, or any governmental agency. The surety bond or other form of security shall be in an amount equal to the actual cost of the work to be performed plus 25 percent of that amount to insure the satisfactory performance and completion of the work. The actual cost of the work shall be determined by the Building Official. The surety or other form of security shall be on a form that has been approved by the City Attorney.

- (b) If the performance of the work is secured by a surety bond, the bond shall be conditioned as follows:
- (1) That upon the occurrence of a default the surety is obligated to obtain a Building Permit within 30 calendar days of the date of the default and the surety is obligated to complete the work in accordance with the permitted set of plans;
  - (2) The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego;
  - (3) All permitted work shall be completed in accordance with the approved plans and the requirements of this section;
  - (4) The *permit holder*, owner, and surety shall hold harmless the City, its officers, employees, agents, and contractors from any liability in connection with the proposed work or the abatement of the *structure* and any related work;
  - (5) The bond shall obligate the *permit holder*, owner, and surety to repair damage occurring on the *public right-of-way* as a result of removing, transporting, or relocating a *structure*; and
  - (6) The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and proper to secure the satisfactory completion of the permitted work, which may include the abatement of the *structure* or condition in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.
- (c) If the performance of the work is secured by any other form of security, as approved by the Building Official, the security shall also be conditioned as required by Section 129.0204(b) and (c).
- (d) If the surety does not timely perform its obligations, the Building Official may elect not to proceed against the bond, but rather to abate the *structure* or condition and recover the City's costs in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

**§129.0221 Expiration of a Building Permit for Relocation of a Structure**

- (a) A Building Permit for relocation of a *structure* shall not be extended. If a Building Permit for relocation of a *structure* expires or otherwise becomes void in accordance with the provisions of Sections 129.0216, 129.0217, or 129.0218, a default shall be deemed to have occurred.
- (b) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtaining of a new Building Permit and timely completion of the work.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*